

REMARKS

This Amendment is responsive to the Office Action mailed October 21, 2004.

Accordingly, the Amendment is accompanied by a petition to extend the time for response by two (2) months together with the required fee.

Claim Objections

In view of the Examiner's objection that the term "unit" in claims 5 and 12 lacks antecedent basis, these two claims have been amended to replace "unit" with --support structure-- which has antecedent basis in claim 1.

Regarding the Examiner's objection to the use of the term "stonelike objects," Applicant points out that the term "stonelike" is defined in the Merriam-Webster 2003 dictionary, as "similar to stone" and that dictionary also defines "stone" as shown in the accompanying definition. A copy of these definitions accompanies this Amendment as Exhibit A. Applicant submits that given these definitions in the Merriam-Webster dictionary, claims 1, 15 and 16 cannot be considered vague or indefinite.

Claim Rejections—35 USC §102

The Examiner rejected claims 1, 2, 6, 7, 8, 10, 11, 12, 13, and 14 as being anticipated by Bertolini, U.S. Patent No. 6,467,224. Applicant has amended claim 1 to clarify the distinction of

Applicant's invention over the disclosure of Bertolini. As amended, claim 1 requires, among other things, tabs that extend above and perpendicular to the upper surface of the base, and struts disposed above the upper surface of the base and between respective tabs to which they are connected so as to brace themselves and the tabs and support stonelike objects. Bertolini does not disclose these features; rather, Applicant submits that what Bertolini discloses lacks a base with struts that brace tabs along the edges of the base that are disposed above the base. Bertolini's decking tile consists of a base wherein the elements that could be viewed as corresponding to struts are on the same level as and are part of the base. The elements of Bertolini's decking tile that the Examiner has suggested correspond to tabs are not attached to and braced by struts. The struts in the present invention rest on top of the base and are substantially perpendicular to the edges of the base on top of which the tabs are disposed. Thus the present invention provides reinforcing strength for the tabs, which is consistent with the purpose of the present invention. Bertolini's decking tile is desired to support flooring slats in a side-by-side manner (col 3 lines 57-60) such that there is no great need for lateral resistance to movement, as lateral movement is blocked by adjacent flooring slats. In contrast, the present invention is adapted to support isolated headstones, or walls, wherein resistance to lateral displacement is not provided by adjacent units. Therefore, the tabs in the present invention provide resistance to lateral displacement of the object they are supporting by means of the struts being attached to the tabs, both struts and tabs being supported on top of a base.

Regarding claim 2, Bertolini does not disclose a base that comprises a substantially planar frame and intersecting crossmembers, the intersecting crossmembers and the struts serving to give added strength and dimensional stability to the base and to the tabs. Applicant submits that

what the structure in Bertolini identified by the Examiner as pertinent to claim 2 actually provides is merely a base with diagonally disposed reinforcing members within the base not to the struts that brace the tabs in the present invention. The perpendicular crossmembers in Bertolini actually provide little or no rigidity, as they are connected to each other merely by membranes which may be cut to remove individual squares to allow piercing the floor with pipes or pillars (col 3 line 65 to col 4 line 3).

Thus, an important advantage of the present invention over Bertolini's disclosure is that the present invention is adapted to provide a much greater resistance to lateral movement of the objects that rest thereon, whereas Bertolini's decking tile merely provides subjacent support for a continuous covering of an entire floor area.

Regarding claims 12 and 13, Bertolini's connectors are not analogous to the connectors of the present invention in that they do not allow an assembly of support structures to be rolled up for transport or storage. The connectors disclosed by Bertolini are not adapted to allow an assembly of structures to be rolled up. The first component 40 of Bertolini's connector comprises a pair of spaced apart arms 44, each arm having an inwardly directed portion 46. The second component 42 of Bertolini's connector comprises a pair of spaced apart arms 48, each arm having an outwardly directed portion 52. Bertolini discloses (col 4 line 67 to col 5 line 6) that to connect the two connectors, the tiles are placed adjacent with one tile slightly above the other, which is then lowered to bring the first and second components on the adjacent sides of the tiles (as Bertolini's support units are referred to) into a mutually engaged position. In other words, to connect and disconnect Bertolini's connectors, displacement perpendicular to the plane of the tiles engages and disengages the connectors, which only secure the units against lateral

displacement in the plane of the units (Bertolini: "tiles"). Since rolling up multiple attached units into a roll necessarily introduces a bending force or force perpendicular to the plane of the tiles, Bertolini's connectors would be expected to disengage from each other as this perpendicular force developed as the units are rolled up, and the individual units would in response to this force disengage from each other. Thus Bertolini does not disclose connectors that enable a multiunit structure to be rolled up.

Regarding claim 14, Bertolini does not disclose snaps. Merriam-Webster Dictionary, 2003 edition, a copy of which is attached, defines the relevant meaning of a snap as "a catch or fastening that closes or locks with a click (as one provided with a spring or with parts that fit tightly into each other) *the snap of a bracelet* *closed the snaps on the suitcase* b : a device (as a snap hook or snap fastener) having such a catch." As is shown in Figure 4 of the present application, the snap connectors of the present invention comprises circular openings 19 through which pairs of pronged inserts 18 are inserted. As visible in Figure 4 and also in Figure 1A, this pair of pronged inserts is shaped such that pushing the pair of prongs through the opening forces the prongs together to enable the broadest middle portion of each prong to pass through the hole, which then elastically pushes back to its original spacing as the opening becomes situated around the base of the prongs where they present a smaller diameter when the units are co-planar and thus completely connected to form the multiunit support structure which is a preferred embodiment according to the present invention. Thus, the broader central portion of the prongs and the elastic resistance to compressing the prongs serves to hold the twin prongs of the snap 18 within the circular opening 19, and to resist separation of the snap. Thus separation of two

adjoining units by a force perpendicular to the plane of the mat is resisted by this arrangement.

This feature is not disclosed by Bertolini.

Claim Rejections—35 USC §103

Claims 3, 4, 5, and 8 are rejected as unpatentable over Bertolini. These claims all ultimately depend on claim 1, which is presently amended herein as shown above. Applicant respectfully submits that Bertolini does not even disclose or suggest all the limitations of amended claim 1; thus the additional features of the dependent claims cannot be obvious in view of Bertolini. The tabs in the present application are separated by V-shaped spaces that are adapted to facilitate the rolling up of assemblies of the support structures. Bertolini does not disclose or suggest rolling up assemblies of support structure and does not disclose or suggest connectors adapted to allow rolling up assemblies of support structure. Indeed, as indicated above, Bertolini's disclosure regarding how Bertolini adjoining units are connected appears to preclude assembling multiple Bertolini units so as to resist any significant force perpendicular to the plane of the unit, as would be required to roll up such an assembly.

The V-shaped spaces of the preferred embodiment according to the present invention are adapted to facilitate rolling up an assembly of Applicant's support structures in that they accommodate a certain amount of bending of the base during this rolling up procedure without this bending of the base forcing the tabs against each other, which would serve to resist the bending of the unit and quite possibly damage the support structures being rolled up. In contrast, the spaces between the rectangular tabs (reference number 38) of Bertolini as shown, for example, the tabs are disposed immediately adjacent to each other as shown for the central two

tabs in Bertolini Figure 7C, would not appear to allow even moderate bending of Bertolini's tiles to roll up an assembly thereof because the top portions of adjacent tabs will come into contact with one another quickly and resist further bending of the tile.

Claims 15, 18, 19, and 20 are rejected as unpatentable over Harp, U.S. Pat. no. 1,088,417.

Claim 15 has been amended to clarify the distinction of Applicant's invention over Harp. As amended, claim 15 requires tabs braced by struts from bending in response to a lateral force, the struts being disposed above the upper surface of the base and attached to the tabs. However, Harp does not disclose these struts. Neither does Harp disclose a step of placing his "bond for hollow wall construction" on a substantially flat surface as amended claim 15 does, Harp's structure being adapted for holding successive tiers of bricks in two spaced apart but parallel walls.

Claims 16 and 17 are rejected as unpatentable over Harp as applied to claim 15 in view of Nelson, U.S. Patent App. no. 20030154663. Claims 16 and 17 depend on claim 15, which is amended herein as indicated below. As discussed in the preceding paragraph, Harp does not disclose elements of the amended claim including struts bracing the tabs, both being disposed above the upper surface of the base. Furthermore, Nelson's headstone support brace does not disclose a support structure, but rather a brace for holding together broken headstones, the unit not comprising a base with struts and tabs, but only side braces and a back brace. Nelson's brace is described as resting on the base 2 of the headstone 1 (page 3 para 29), that is, the original stone base of the headstone assembly that rests directly on the soil. Nelson therefore does not disclose any kind of support structure for supporting a headstone on soil, nor does a device for holding together a broken headstone by means of reinforcement of the edges of the broken headstone

suggest a support structure to prevent headstones from sinking into soft soil and struts bracing tabs for restraining lateral movement of the headstones relative to the soil.

Therefore Applicant respectfully requests the Examiner to enter the amendments, allow the claims remaining in this case, and pass this case to issue.

Respectfully submitted,


Geoffrey K. Cooper
Reg. No. 51,266
(503) 228-1841

Main Entry: **stonelike**

Pronunciation: **stōn'līk**

Function: **adjective**

: similar to stone

Main Entry: **stone**
Pronunciation: **'stōn**
Function: **noun**
Inflected Form: **-s see sense 3**
Etymology: Middle English *stan*, *ston*, *stoön*, from Old English *stān*; akin to Old High German *stein* stone, Old Norse *steinn*, Gothic *stains* stone, Latin *stiria* icicle, Greek *stia*, *stion* pebble, *stear* fat, tallow, Sanskrit *styāyate* it congeals, hardens; basic meaning: to harden

1 : a concretion of earthy or mineral matter of igneous, sedimentary, or metamorphic origin:
a (1) : such a concretion of indeterminate size or shape : BOULDER, PEBBLE <*stones* rolling down the hill> <gathering *stones* on the beach> (2) : the substance of this concretion : ROCK <*the mountain is solid stone*> <trees turned to *stone* in the petrified forest> b : such a concretion mined, quarried, or shaped in a definite form or size or for a specified function: as (1) : a building block <demolish the structure a *stone* at a time> (2) : a paving block : COBBLESTONE <building barricades of the very *stones* of the streets> (3) : a precious stone : GEM (4) : a mineral matter used for a particular ornamental or commercial purpose <*ornaments made of the rarer stones* — banded slate, rose quartz, steatite— *American Guide Series: New Jersey*> (5) : a pillar or block of stone set as a monument or sign; especially : GRAVESTONE <the burying ground, where you can find the *stones* of veterans of the Revolution— J.P.Marquand> (6) : a rounded missile fired from an arm or a sling <*six stones* for his sling> (7) : a shaped piece of rock used in a feat of strength (as curling) (8) : MILLSTONE (9) : GRINDSTONE (10) : WHETSTONE (11) : a stand or table with a smooth flat top on which to impose or set type — called also *surface* (12) : a surface upon which a drawing, text, or design to be lithographed is drawn or transferred (13) : a watch jewel
2 : something resembling a small stone or pebble in shape, composition, or hardness: as a (1) : CALCULUS 1a (2) : a hard natural growth (as an otolith) found in an animal b : TESTIS c : HAILSTONE d (1) : the hard central portion of a drupaceous fruit (as a peach) (2) : a hard stonelike seed (as of a date)
3 *plural usually* **stone** : any of various units of weight ranging from 4 to 26 pounds: as a (1) : an official British unit equal to 14 pounds b : a British unit for meat equal to 8 pounds — called also *Smithfield stone*
4 : any of the colors common in stone or weathered rock — see DEEP STONE, HONEY 6, LIGHT STONE, STONE GRAY
5 : CHINA STONE, CORNISH STONE
6 : a small crystalline contamination in glass comprising unmelted batch material or a particle of the melting vessel
7 : a playing piece used in backgammon

Main Entry: **2snap**
Pronunciation: »
Function: *noun*
Inflected Form: -s

1 : an abrupt closing (as of the mouth in biting or of scissors in cutting) : the action of one that bites or bites at something : a biting or snatching with the teeth or jaws **2**the dog took a *snap* at a flea³ **2**a *snap* of the scissors cut the string³

2 **a** obsolete : something snapped up as one's share of profits or booty **b** : a chance to make money easily or quickly; *specifically* : an easy remunerative post or position **c** : something (as a task or course of study) that is easy and presents no problems **2**it will be a *snap* to win the game³ **2**the literature course was a *snap* for him³

3 **a** : a small amount : BIT, MORSEL **2**cared not a *snap* for his mother's advice³ **b dialect chiefly Britain** : a small or hasty meal : SNACK; *especially* : a miner's lunch eaten while on shift

4 **a** : an act or instance of seizing abruptly : a sudden gripping or snatching at something : a quick short brisk movement **2**a *snap* of the fingers³ **b** : a sudden sharp tearing or breaking **2**felt the *snap* of the bone parting³

5 **a** : a sudden sharp sound made by or as if by snapping something (as together, apart, into place, off) **2**the *snap* of a twig³ **2**shut the book with a *snap*³ **b** : a brief sharp and usually irritable speech or retort **2**took me up with a *snap*³

6 : FELLOW, LAD

7 : a sudden interval of harsh weather **2**an unexpected cold *snap*³ — compare SPELL 3b

8 **a** : a catch or fastening that closes or locks with a click (as one provided with a spring or with parts that fit tightly into each other) **2**the *snap* of a bracelet³ **2**closed the *snap*s on the suitcase³ **b** : a device (as a snap hook or snap fastener) having such a catch

9 : a thin brittle cookie **2**a batch of lemon *snap*s³ **2**a new chocolate *snap*³ — compare GINGERSNAP

10 **a** : SNAP SHOT **b** : SNAPSHOT **c** : SNAPDRAGON

11 **a or snap tool** : a tool having a usually cup-shaped depression in one end and used in forming rivetheads in riveting **b** : SNAPHEAD

12 **a** : the condition of being vigorous in body, mind, or spirit : ALERTNESS, ENERGY, GO **2**a young man with plenty of *snap*³ **b** : a pungent pleasing quality (as of literary style) : SMARTNESS

13 : a fruit that is snapped (as from the fruiting spur): as **a** : a whole mature cotton boll when harvested by snapping — usually used in plural **b** : SNAP BEAN

14 : SCOTCH SNAP

15 **a** : an act or instance of snapping a football **b** : CENTER 5a(1) — used chiefly in Canadian football